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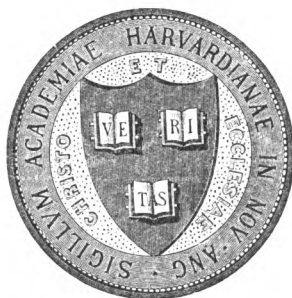


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Inaugural Meeting

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OF THE

**LIBERIAN NATIONAL  
BAR ASSOCIATION**

IN THE

**SENATE CHAMBER, MONROVIA**

**January 2, 1907**

**BEING THE PROCEEDINGS AND ADDRESSES**



Monrovia, Liberia  
College of West Africa Press  
1907

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 Judge of Probate Court, Hon. Z. T. Walker  
 Judge of Probate Court, Hon. J. L. S. Hornsby.

## INTRODUCTION

At a "common law" luncheon, given to the Bench and Bar of the Court of Quarter Sessions and Common Pleas for Montserrado County, at its last September term, T. McCants Stewart delivered an address, in the course of which he urged, that as the matter of the organization of a Bar Association has been under consideration for years, it should be taken up and disposed of during the Legislative session, when lawyers from all parts of the Republic would be in Monrovia.

At the close of the term, His Honor Judge Matthews called a meeting of the members of his Bar, and the immediate organization of an association was decided upon. He thereupon appointed the following committee to draft a Constitution for submission to a general meeting of lawyers to be called in the month of December, namely: Attorney General F. E. R. Johnson, ex-Attorney General T. W. Haynes, Mr. T. McCants Stewart, County Attorney C. D. B. King, and Mr. C. B. Dunbar.

This Committee reported the constitution, which is herewith published, to a meeting of members of the Bar from every part of the Republic, held on December 18th last. The organization was perfected, and the Association was thereafter incorporated by Act of the Legislature.

The pamphlet, introduced by this statement, is published by order of the Executive Committee of the Liberian National Bar Association with the hope, that laymen and lawyers alike may profit from reading its pages.

T. MCCANTS STEWART,  
*Secretary.*

Monrovia, Liberia,  
March 4, 1907.

# Proceedings and Addresses

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## OPENING ADDRESS OF HIS EXCELLENCY PRESIDENT BARCLAY

At 4 o'clock p. m. on Wednesday, January 2, 1907, His Honor Judge A. J. Matthews took the chair, and introduced the President of Liberia, who was invited by the Committee to deliver the opening address at the Inaugural Meeting of the Liberian National Bar Association. His Excellency spoke, as follows;

Your Honor and Gentlemen of the Bar Association:

It affords me much pleasure to assist in inaugurating this Association, the first of its kind in the Republic of Liberia. And the pleasure is greatly increased by the fact, that I have been connected with the profession of the law during all of my active life. I feel a sense of comradeship in turning aside at this hour from affairs of State to mingle among and felicitate with you upon the completion of a project, which has been under discussion among us for several years.

So many lines of thought present themselves to my mind, that it is difficult to choose the one, which would most fittingly embody the sentiments, which crystalize around such an occasion as this. But I believe that no more suggestive subject could be presented by me than the one, which I have chosen, namely: *Law and Lawyers in their Relation to the State*.

Engaged, as you know I am, in affairs connected with the present session of the National Legislature and in the discharge of the many duties arising therefrom, I must ask your indulgence, as I present briefly and in an off hand way some views upon this subject, which I have carefully thought over, but which I have not had time to reduce to writing.

The history of mankind in all ages of the world shows that a State must have a central idea, around which to ral-

ly the people. Communal organization would have been impossible, individuality would have prevailed everywhere, stifling development and progress, if there had not been one central, all-controlling idea drawing men together. This is illustrated in the remark of Christ, "If I be lifted up, I shall draw all men unto me."

In the earliest historic ages the central idea of the State was a religious one. To Israel, it was Jehovah. The study and the worship of Jehovah formed the bond of union underlying the State, the bond of union holding it together, despite the dangers of the wilderness, and despite the merciless attacks of enemies, and even the weaknesses of Israel's own people.

And so with Ethiopia, with Assyria, with Egypt, it was the religious idea around which the superstructure of statehood was built.

Even throughout what is called "the classic period of history," the central idea of the State was a religious one. Zeus held Greece together; and Jupiter, father of gods and men, ruler of thunder and lightning, supreme in war, and first in peace, was the central rallying point of the mightiest empire of antiquity.

In modern times, the central point of the State is Law. As men grew to learn the lesson of brotherhood, to recognize the rights of individuals, and to realize that altruism is productive of more peace, of more happiness, of more comfort than individualism, they made Law the central idea of statehood. True, the change from a God to a Principle was slow, but it was steady. The firm tread of the generations following the disappearance of the Roman Empire has been heard without ceasing all adown the ages. At times the step of the multitude passed over rough places, as at Runnymede, at the Bastille, at Bunker Hill, and at Port-au-Prince. But like the ever rolling sea, that tread has gone on, setting up Law in the form of constitutions as the central idea of the State, around which people have rallied, and by which they have governed themselves under wise statutes of their own making.

Here in our own nation, we find an illustration of this principle, that Law is the central idea of the State, for our national life is centered around our Constitution, which is formed on lines of individual liberty and progress. Take

away our Constitution, and the Republic of Liberia would fall like a house of sand. When we swear to defend Liberia against both foreign and domestic enemies, we mean our Constitution. When we resolve to transmit this Government to generations yet unborn, we mean our Constitution. When we sing, "All hail, Liberia, hail!" we mean our Constitution.

And so we have, in common with the whole civilized world, the standard of Law erected as our rallying point.

Now the progress of every State, our own progress, depends upon the manner in which the principles of the organic and statute laws are interpreted and applied. If they be unfairly, unjustly, ignorantly, or corruptly interpreted; or if there be mal-administration in the application of them, the State will disintegrate, and its autonomy will be destroyed. People will not live in a State affording them no safety of life, no security of property, no opportunity for the sure and steady pursuit of happiness. But they will crowd a State, where they can enjoy peace, and find contentment; and they will work with all their heart and soul to make such a State prosperous and mighty.

If Law is properly and clearly interpreted, there is little likelihood of mal-administration in its application. Now, lawyers are the body of men, who, in all countries, are commissioned for the study and explanation of the law, and who assist the court in its application, and the Executive in its administration. This body of men has enormous influence upon the progress and success of the State. The *status* of the State depends, in a sense, more upon them than upon any other body of men. They can cause the sun of peace and prosperity to shine upon the State, or the rain of adversity and the flood of ruin to descend upon it.

If, then, the State is to be progressive, and to have successful development, its lawyers must be broad minded men, of studious habits, and judicial temperaments. They must be honest, and of good repute. They must be so not only because of their relation to the State, but the more so because they come in contact with and have the care of interests relating to the citizens of the country as well as to those, who live temporarily in it for purposes of liveli-

hood, or pleasure. And, more, they have charge of those vital interests which affect the private and personal relationship of men, women and children towards one another. Husband and wife, parent and child, master and servant, men and their property or investments—all need and receive the attention and care of lawyers.

From this body of men, the Judges of our Courts are chosen; and of the three divisions, which administer the civil affairs of all modern governments—the legislative, the executive, and the judicial, I regard the last one as being, in a sense, the most important. The Courts have the final disposition of the life, the liberty and the property of all persons living within their jurisdiction. The Courts must, therefore, be above suspicion. Their decisions must contain the elements of inflexible justice, appealing to the conscience, to the reason, and to the common sense of even those against whom they are rendered. Let men feel that they are denied justice, and the mainstay of popular government will be swept away.

It has been well said that, "Justice is the greatest interest of man on earth. It is the ligament, which holds civilized beings and civilized nations together. Wherever her temple stands, and so long as it is duly honored, there is a foundation for social security and general happiness, and the improvement and progress of our race. And whoever labors on this edifice with usefulness and distinction, whoever clears its foundations, strengthens its pillars, or contributes to raise its august dome still higher in the skies, connects himself in name and fame and character with that which is and must be as durable as the frame of human society."

In the administration of the Law, the Courts are materially assisted by the lawyers, who, in the presentation of issues, investigate the body of the law, and report their findings to the judges before whom they appear and argue. It is necessary, therefore, that lawyers be prepared by character and by study to do their work conscientiously, faithfully and thoroughly. And the more so, when we remember that the Court is the great school house of the masses. It is there they learn self control, unselfishness, honesty, justice, patriotism. While arguing a cause, it is within the power of a lawyer to so state his case as to

strengthen in the minds of his hearers correct ideas of morality and of right; or to lower the moral tone of the community. He may strengthen the people in patriotism, or he may teach them to subordinate the claims of the State to selfish, individual interests. What a lawyer of standing and influence says in a case is repeated in a score of townships and in hundreds of homes, and may affect for good or evil the acts, the life, and the future of thousands of men, women and children.

If an individual standing alone is a power in a community, it must be true that in combination the power is greatly multiplied. If one individual can do harm by his unaided effort, in combination with his fellows, he can do incalculably more harm, and may injuriously affect the lives of thousands of persons.

On the other hand, if one individual acting alone can do good, in combination with his fellows, he can greatly multiply his capacity for doing good, and bestow limitless benefactions upon mankind.

If I have not exaggerated the power of the lawyer in the community, and I am sure I have not done so, this Association, being a combination of lawyers, can be a power for evil, and on the other hand it can be a great power for good.

I earnestly express the hope, that it may be a source of enlightened patriotism, of civic morality, of broad minded jurisprudence, strengthening the institutions of the Nation, and perpetuating the Republic of Liberia.

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## INAUGURAL ADDRESS OF HON. F. E. R. JOHNSON

Judge Matthews introduced the President-elect of the Association, who said:

Your Honor and Members of the Association:

Called by your unanimous vote to the important and responsible position of President of the National Bar Association of Liberia for the ensuing year, I deem it my duty on this occasion to express my appreciation of the honor,

which you have conferred on me, and to assure you that I shall do all that lies in my power to aid in effectually accomplishing the task, which we have set ourselves; feeling confident that I will receive your cordial support and hearty co-operation. We are assembled together for the purpose of inaugurating a movement, which has for its object, among other things, the solidarity of the legal profession in Liberia, the promotion of legal knowledge among its members, and a uniformity in the practice of the several courts within the Republic; and I feel that I may venture to touch on the subjects, which will fall within the scope of our labors, and to offer some suggestions—suggestions, which are the result of professional observations and reflections, and which I feel it to be my duty to offer both in the interest of the profession and of the public.

There is no profession more respectable—none more essential to the existence of civil society than that of the law. For centuries it has been instrumental in preserving and protecting the liberties and rights of the people; and it has during that period become a formidable barrier to the usurpations and rapacity of sovereigns and rulers, who have attempted to encroach upon those rights.

It is the arm of the Judiciary in the administration of justice, which is the great end of all Governments, and by which the strong are prevented from oppressing the weak; without this there can be no security, tranquility, or industry. Defending the innocent from oppression, it also lends its aid to the prosecution of evil doers, the punishment of the guilty, and the repression of crime.

In matters of commerce, and in the various disputes, which so frequently arise between capital and labor, its services are invaluable and indispensable.

There is no rank of life, no industry, no body of men, which has not at some time invoked its aid. Its members are found in the Legislative chambers of all nations, and it is through their agency and with their assistance that those laws have been enacted, which have exercised the most salutary and permanent effect upon the affairs of men and the destiny of nations. From its ranks are selected men, who preside over the judicial system of the State, and who are the guardians of the Constitution, the organic law of the State. In republican governments, one of its mem-



bers may even be found in the Executive Chair, as in the case of our own respected President, who is present in our midst, participating in the exercises of the occasion; and who, I am confident, takes a warm interest in the National Bar Association, and in all matters pertaining to the legal profession in Liberia.

We are members of a brotherhood, which can count upon its roll men of distinction and eminence, through whose exertion and efforts has been established the system of laws which we now enjoy. Let me recall some of their names to your memory: W. M. Davis, H. W. Johnson, Jr., J. W. Hilton, H. W. Grimes, J. W. Worrell, I. N. Roberts, Cyrus L. Parsons, J. J. Ross, J. M. Thompson. These men have all passed into the silent land. May their souls rest in peace.

But we have still in our midst legal luminaries, who can guide and direct us in the work that we have undertaken, notably among whom I may again mention His Excellency President Barclay, whom I regard as the Dux of the legal fraternity in Liberia, and in whose footsteps I am willing to tread; and the venerable and learned Chief Justice, "the old man eloquent," who is a link between Liberia's past and present, and who seems to gain renewed vitality each successive year.

Seeing, then, the importance of the relationship, which we sustain to the State and to the people of this country, it behooves us to be careful as to the character and qualifications of applicants for membership at the Bar. When we consider the fact, that our fellow citizens are so often dependent upon us for the protection of their lives, liberty, property, rights, and interests, it must be conceded that only men of intelligence, who are at least moderately skilled in the science of law, and who possess good moral characters, should be permitted to enter a profession which is styled one of the learned professions.

In nearly every other profession, industry, trade or calling in which men desire to engage, they are required to serve an apprenticeship or to undergo tutelage, before they are admitted into the guild to which they apply. But in the practice of law, to succeed in which there is required a practical, liberal education, a profound knowledge

of law, logical skill and a sound judgment, little discrimination is exercised in admitting candidates.

An opinion seems to prevail that one may become a lawyer without previous study, and the consequence is that men who do not possess the necessary qualification are called to the Bar. Men, who by reason of their ignorance and mismanagement of cases, cast a blot upon our fair escutcheon and cause the profession to be regarded with disrespect, and, in many instances, with contempt by laymen. It is a case of "fools rushing in where angels fear to tread." The masses, who exercise less discretion in selecting a lawyer than they do in choosing a shoemaker, employ these men, and discover when it is too late, that they have placed their dependence upon a broken reed.

A step in the right direction has been taken by the Bar of Montserrado County. By one of the rules of the Court of Common Pleas of Montserrado County, a candidate for membership is required to place himself under the tutelage of a member of the Bar, and to pursue a course of studies running over three years, coming up for semi-annual examinations. It would be well if all the Counties would pass similar rules.

I am of the opinion that the laws of Liberia should be codified, and placed within the reach of the people. The early settlers of the Colony of Connecticut, the first body of colonists, who left England with a definite plan of establishing an independent State in America, recognizing the difficulty of forming a code of laws adapted to their new conditions, when they were occupied with so many cares, agreed that they would be governed by the rules held forth in the Scriptures, or as Dr. Bacon has said "Christianity—the ethics of Christianity—was to be the constitution of the commonwealth, the supreme law of the land."

Subsequently, it was ordered by the general court "that the Judicial laws of God as they were delivered by Moses, and as they are a part to the moral law, *being neither typical or ceremonial nor having any reference to Canaan*, should be a rule to all the courts in this jurisdiction in their proceedings against offenders, until they be branched out into particulars hereafter." In illustration of the wisdom of this step, Dr. Bacon in his "Historical Discourses,"

says:—"Remember now that situated as they were, they must adopt either the laws of England or some other known system—a system entirely new they could not frame immediately. Should they then adopt the laws of England, as the laws of their young Republic? Those were the very laws from which they had fled. Those laws would subject them to the King, to the Parliament and to the prelates in their several jurisdictions. The adoption of the laws of England would have been fatal to the object of their emigration. Should they then adopt the Roman Civil law, which is the basis of the Jurisprudence of most countries in Europe? That system is foreign to the genius of Englishmen, and to the spirit of freedom, and, besides, were unknown to the body of the people for whom laws were to be provided. What other course remained to them if they wished to separate themselves from the power of the enemy who had driven them into banishment, and to provide for a complete and vital independence, but to adopt at once a system, which was in every man's hand, which every man read, and with which every subject could easily be made familiarly acquainted." Change the names, and the quotation might apply to Liberia.

Driven from America by acts of oppression and tyranny, which had become intolerant to them, forced to declare themselves a sovereign and independent State, before they were fully prepared for self-government, one of the most important problems that confronted them was what code should they adopt. Could they adopt the laws of the United States? Why on almost every one of its pages might be seen discriminations against the Negro. In most of the States, a Negro could not testify against a white man; in some States he could not hold property by purchase or descent. It was natural, then, that they should adopt the common law of England, in which no such discrimination appeared. Accordingly the National Legislature, created a law by which the common law of England, in so far as it was applicable to the circumstances of the people and not modified by existing statute laws, was declared to be the code of laws of the Republic.

Let us for a moment consider some of the defects of our legal system at the present day. The student, lawyer, or Judge, who would become conversant with the principles

of the common law, must wade through a mass of verbiage, which treats of matters and things, which are inconsistent with the conditions of the country—matters relating to the King and Parliament, Lords temporal and Lords spiritual, the Ecclesiastical Courts and the common law courts of England, feudal tenures and a host of other subjects, which are inapplicable to the circumstances of the people of this country.

In Blackstone's Commentaries, edited by the American Lawyers Messrs. Whitty and Wendell, he has presented to him the common laws of England, and in notes made by the editors, modifications, which appear in the American statutes. He is told in one instance that the English doctrine is applicable to Liberia, in another that the American doctrine should apply. This, in my opinion, leaves too much to the discretion of our Courts and to the sophistries of our lawyers. "There is not in my opinion," says Sir James McIntosh, "in the compass of human affairs so noble a spectacle as that which is developed in the progress of jurisprudence, where we may contemplate the cautious and unwearied exertions of wise men through a long course of ages, withdrawing every case as it arises from the dangerous power of discretion and subjecting it to inflexible rule, extending the dominion of justice and reason, and gradually contracting within the narrowest limits, the domain of brutal force and arbitrary will."

We should set at rest those questions, which so frequently arise in reference to the laws of descent and inheritance—questions on which our lawyers so widely differ. Let me give you an instance to illustrate this divergence of opinion. One of our lawyers, who is now dead, set up a theory that grand children cannot share with children in the distribution of property lest by an intestate ancestor; and he succeeded in gaining over several converts to his doctrine. The theory was carried to such an absurd length, that it was held in the case of a man, who died leaving several children, some of whom died pending the settlement of the estate in the Probate Court, leaving heirs, that the latter could not share with the surviving children in the distribution of the estate.

Now this was manifestly absurd and contradictory to natural reason and to the principles of the law of descent.

Title to real estate does not remain suspended or in abeyance during the time that the estate is being administered, nor does the act of the Probate Court, in turning over the remainder of the assets of an estate to the heirs, convey title. Immediately after the death of the ancestor, it is vested in the heirs. I voice the opinion of some of the leading lawyers and jurists of the country that the law on this subject may be found in the fourth rule or canon of descent, "that the lineal descendants, in infinitum, of any person deceased, shall represent their ancestors; that is, shall stand in the same place as the person himself would have done had he been living." This is called succession in stripes, or according to the roots.

Originating some twenty years ago this pernicious theory that grandchildren should not share with children in the distribution of an estate is held by a large number of persons, and the contention has not yet been settled.

Another defect in our legal system grows out of the fact, that sufficient publicity is not given to the statute laws of Liberia, or to the decisions of the Supreme Court of the Republic. A certain Grecian law giver was accustomed to write his edicts in minute characters, and to placard them in the public streets high above the reach of the people. This was done in order that the people might be punished for unwittingly violating laws of whose existence they were unaware. I might, gentlemen, draw an analogy between the condition of the Grecians at that time and the conditions as they exist in Liberia at the present; but I forbear to do so.

I may mention, however, that there are at present in vogue in Liberia a large number of statute laws of which the people, and even some of our lawyers, are ignorant. Most of them are out of print. A complete set of those which were passed between the years 1857 and the present can be found in the possession of not more than six persons. Besides this they need to be revised by expunging all the repealed statutes, or parts of statutes. The decisions of the Supreme Court, which form so important a part of our jurisprudence are not properly published. One of the essential requisites of a law before it can be put in force, is that it be published, and by an Act of the National Legislature, it is provided that the Acts of each session shall be

published within ninety days thereafter. I am of the opinion that a similar law should be enacted extending this provision to the Supreme Court; and that the decisions be compiled and published at popular prices.

Let us not lose sight of the fact, that, by an Act of the Legislature, the customs regulations have the force and effect of law. They should, therefore, not merely be placarded in the custom house, and distributed among merchants and a few officials; but they should be published in all the cities, towns and villages. I am of the opinion, however, that these regulations are issued too frequently, and in too minute a form. It makes it extremely difficult for the lawyer, the merchant or other importer, and even the Government officials to keep them in memory.

The next subject to which I wish to call your attention for a moment is the necessity of having uniformity in the practice of the several Courts of Common Pleas. The license given to each attorney or counsellor, authorizes him to practice in the several courts of the Republic. It is, therefore, necessary that every lawyer should become conversant with the rules of all the courts, unless he intends to confine his practice to the county in which he resides. It is obvious, then, that if there were a uniformity in the practice, the work of members of the profession would be greatly facilitated. As it is at present each of the Courts has its own practice, some of which are in my opinion absolutely contrary to law. This is tantamount to require a lawyer to study five different systems of law differing from each other in some of their most essential and important features.

It is hoped that this organization will bring about a better understanding between the members of the legal fraternity, and draw closer the bonds that unite the Bench and Bar. There is an old adage that two of a profession can never agree. But while it is in the very nature of our business a reason why we should not always agree, still there is no reason why we should regulate our intercourse by cordiality and reciprocal respect. Never speak unkindly of a brother lawyer in the presence of laymen. You may do him incalculable harm. Seek rather to aim at the truth in the investigation of cases than to triumph over a brother.

"The strife for triumph more than truth,  
 The longing for ignoble things;  
 All these must first be trampled down  
 Beneath our feet, if we would win  
 In the bright field of fair renown  
 The right of eminent domain."

Let the members of the profession give all due respect to the Judges, who represent the majesty of the law, and let the Judges not forget that law without lawyers is a letter without spirit—a dead letter.

And, now, in conclusion, your Honors and gentlemen, let me congratulate you on the establishment of this important institution. It is a great thing for you to have a central rallying point, where we may meet and combine our efforts in advancing the interest of our beloved profession, and in promoting the welfare of our common country.

I rejoice to see that you have united yourselves together for the purpose of bringing about an improvement in your present system of laws and the practice of the Courts, and of promoting a feeling of good fellowship and harmony among ourselves. May your efforts be crowned with success.

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## ADDRESS OF HON. J. A. TOLLIVER

President Johnson, at the close of his address, took the chair, and introduced Vice President-elect Tolliver, who spoke substantially as follows:

Mr. President and Gentlemen of the Bar Association:

I express appreciation not only for myself but for all the other officers of the Bar Association, as I understand that my address is to stand for all of us. We regard the Bar Association as an institution capable of doing much good not only for the legal fraternity, but for the community generally; and we, who have been elected officers, appreciate the honor which our fellow members have conferred upon us.

The object of this Association, as stated in the constitution, is (1) to discuss legal questions and thereby promote the knowledge of legal principles; (2) to secure and pre-

serve a uniform system of practice throughout the Republic; (3) to secure and maintain a library for the use of members of the Association; (4) to keep in close touch and harmony the Bench and Bar; (5) to promote fraternal feelings and good fellowship among the members of the Association.

It must be admitted, gentlemen, that no broader scope of activity could be mapped out than what is contained in these provisions. We all realize that we can gain much from closer fellowship and more frequent contact. Our constitution provides, that at our annual meetings we shall have addresses and papers on legal subjects, and a general discussion of the questions upon which the speakers shall deliver themselves. It can be readily seen that this will lead to closer study of the law, and wider reading of legal principles, not only as they are found in published cases, but also as they appear in the legal journals of civilized lands.

The provision of our constitution, which requires the organization of local Bar Associations, will have the effect of not only drawing us closer together, but as the influences and activities of these local associations converge into the national body, there shall arise a uniformity of practice and a legal nationalism, which will be highly beneficial to the Republic.

I have always felt, gentlemen, that our practice differs too widely in the various counties. This should not be the case. A lawyer from one county should be perfectly at home in the court of any other county. And a Judge from one county, if called to another, should be able to go upon the Bench, and conduct the proceedings of Court without the aid of the clerk, or local counsel.

We are a comparatively young nation, and there lie before us many constitutional and international questions, which will necessarily arise as we grow in age and strength. Whatever can be done now to strengthen the judiciary and to improve the legal fraternity should be done, so that we may be able to grapple with the mighty problems which lie before us, and to cope with the able men of other nations, who may take up these questions with us.

Gentlemen of the Bar Association, let us here and now



resolve as we take up this new line of work, to press onward and upward, and to remain steadfast and constant in our allegiance to this institution, so as to transmit it as a heritage to unborn generations.

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## ADDRESS OF CHIEF JUSTICE ROBERTS

President Johnson, then introduced Chief Justice Roberts, who delivered the closing address. He said:

Mr. President and Gentlemen of the Bar Association:

I am set down to make the closing remarks on this the greatest day in the history of the Bar of Liberia. I do not know how to thank the several speakers for the very high encomiums heaped upon our courts, with which I have had the rare pleasure of being associated for the past years.

I am also delighted with the eloquence employed in support of the constitution of the Liberian National Bar Association, an institution second to none in the Republic for enlightenment and usefulness. And what can be better? Uniformity of practice and harmony of system, its main object, cannot be less effective in protecting innocent clients from the practices of witty and astute lawyers than in arming the court with means for easy arrivals at justice and equity. This Association must stand. Its principles should be promoted as long as our courts of justice exist.

To be truthful, I find myself extremely embarrassed after hearing addresses so very technical and profound. It was my intention to call upon our ever ready Attorney General, or upon one of my truly eloquent and rhetorical Associates to speak for me on this occasion; but I overlooked the fact, that our learned Attorney General is your President and would have to deliver the inaugural address, and my modest Associates have left me to "tread the wine press alone."

By me the office of Chief Justice is not regarded as an inherited right, but as the free gift of a great nation, and I appreciate the fact that it is my good fortune to be in possession of it; and believe me, gentlemen, I propose to

keep it. I will not barter it away for any annuity, and you may be sure I will not lend it to any one. (*Great laughter and applause.*)

The Court over which I have the honor to preside with my two learned Associates, is that branch of Government, which possesses the highest controlling jurisdiction over civil, criminal, and other offences. By the Fathers its original jurisdiction was wisely circumscribed. But its appellate jurisdiction extends to all cases arising within the Republic. This Court is not the creature of legislative enactment, but of organic law. Its authority and functions spring from the common constitutional source conferring Executive and Legislative power.

When in session, it is common for Legislators to speak of themselves as the *greatest power* of the Nation. Others declare the Executive Department to be the greatest. The Judiciary Department, according to the general impression, arising out of the education of the people, is looked upon as the weakest of the co-ordinate branches of the Government. This is a great mistake, for if there be any department of Government, which possesses autocratic power, it is the supreme judiciary, as from its decisions there is no appeal.

The strength of our courts lies in the fact that they are the interpreters of the law, without which Government could not exist. Law protects the weak from the onslaught of the strong; the poor from the oppression of the rich. Law brings peace out of confusion. It was law that enunciated the wholesome doctrine, that before it all men are equal. This heaven-born rule inspired the immortal Lord Chief Justice Mansfield, who by the just application of law, human and divine, opened the door of hope to millions of our race unjustly held in bondage in the southern part of the United States in the dark days of slavery. So important is the judiciary to enlightened nations that they enact laws for the protection of their judges, counsellors, advocates and attorneys—fixing as it were, a separate sphere for them; and the judges echo this spirit in fixing a bar between them and other attendants upon their courts.

Gentlemen, I believe that the Bar should be kept closed against all but worthy applicants, as counsellors should be

men of liberal learning as well as men who are profound in the law. This Association will help very much in this direction; and I believe that I am voicing the sentiments of the entire Bench of the Supreme Court in saying that your constitution has our admiration and approval. I would also say that the officers of your choice have our approval, but I hesitate to do so, as such a remark might indicate that we are interfering with your right to select your own members and choose your own officers.

Recognizing in you, Gentlemen of the Bar Association, men of the first rank in our State as well as men highly learned in the law, we hope that in the near future, you will draw up and submit for the approval of the Bench a set of General Rules of Practice, which will contain the latest provisions known to the courts of the most enlightened lands. This will greatly assist in the futherance of justice.

Not wishing to engage your attention any longer, Gentlemen, allow me to say in conclusion, that this day marks the dawn of a more illustrious period than has ever existed in the history of the Bar of Liberia.

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At the close of the Addresses, President Johnson announced the National Anthem, and the audience rose and sang it under the leadership of Prof. E. J. Barclay.

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In the evening from 7:30 to 10 o'clock, a large and brilliant assemblage greeted President Johnson and the officers of the Association at the Executive Mansion.

Refreshments were served by a Committee of Ladies, headed by Mrs. President Barclay.

## AN ACT INCORPORATING THE LIBERIAN BAR ASSOCIATION.

*It is enacted by the Senate and House of Representatives of  
the Republic of Liberia in Legislature Assembled:*

Section 1. That from and after the passage of this Act, F. E. R. Johnson, President; J. A. Tolliver and T. W. Haynes, Vice Presidents; T. McCants Stewart, Secretary; C. B. Dunbar, Treasurer; L. A. Grimes, Librarian; Arthur Barclay, J. J. Dossen, A. B. Stevens, C. D. B. King, A. J. Woods, S. A. Ross, E. M. Cummings, D. A. Snorton, G. W. Ellis, P. O. Gray, E. J. Barclay and N. H. Gibson, together with all persons, who are now or hereafter may become members of the Liberian National Bar Association, are hereby declared to be a body corporate and politic under the name and style of the Liberian National Bar Association, and shall have perpetual succession of officers and members, and shall be capable in law to receive, hold and enjoy real and personal property to the amount of twenty-five thousand dollars (\$25,000) for the use and benefit of said association; may sue and be sued, plead and be impleaded before any court of law or equity of the Republic having competent jurisdiction. And do all other Acts and things done by similar bodies corporate and politic.

Sec. 2. It is further enacted that the said Liberian National Bar Association is hereby vested with full power and authority to make and establish such by-laws, rules and regulations for its government, as it may deem expedient; provided such by-laws, rules and regulations be not repugnant to the laws of this Republic.

Any law to the contrary notwithstanding.

Approved February 4, 1907.

ARTHUR BARCLAY,  
President.

# THE LIBERIAN NATIONAL BAR ASSOCIATION

## CONSTITUTION

### ARTICLE 1—NAME

The name of this association shall be *Liberian National Bar Association*.

### ARTICLE 2—OBJECT

The object of this association shall be (1) to discuss legal questions, and thereby promote the knowledge of legal principles; (2) to secure and preserve a uniform system of practice throughout the Republic; (3) to secure and maintain a library for the use of the members of the association; (4) to keep in close touch and harmony the Bench and Bar; (5) to promote fraternal feelings and good fellowship among the members of the association.

### ARTICLE 3—MEMBERS

Section 1. *Members*—The President of the Republic and all Judges of Courts of Record shall be members *ex-officio*; and any member of the Bar in good standing may become a member by receiving a majority vote of the Executive Committee at any regular meeting, and by paying an initiation fee of two dollars (\$2).

Sec. 2. *Dues*—Each member shall pay to the Secretary the sum of two dollars (\$2) annually in the month of December; and if any member should fail to pay the same, or the dues to meet the expenses of the annual meeting, he may be dropped from the roll of the association.

### ARTICLE 4—OFFICERS

Section 1. *Officers*—The officers shall be a President, a first and second Vice President, Secretary, Treasurer and Librarian. They shall be elected by ballot at each annual meeting, and shall serve until their successors are elected.

Sec. 2. *Executive Committee*—These officers together with one member from the Bar Association of Maryland County, one member from the Bar Association of Sinoe County, one member from the Bar Association of Grand

Bassa County, two members from the Bar Association of Montserrado County, and one member from the Bar Association of the Territory of Grand Cape Mount, said members to be elected by said associations respectively, shall constitute the Executive Committee, the officers of which shall be the officers of the association.

#### ARTICLE 5—DUTIES OF OFFICERS

Section 1. *President*—shall discharge the duties usually appertaining to his office, and such other duties as may be prescribed by the Executive Committee.

Sec. 2. *The Vice-Presidents*—shall act in order of rank in the absence of the President.

Sec. 3. *Secretary*—shall keep the records, notify members of the Association and of the Executive Committee of meetings, and shall give notice to the Local Bar Associations of proposed amendments to this constitution within twenty days after the filing of the same, and shall perform such other duties as the Executive Committee may require.

Sec. 4. *Treasurer*—shall receive and receipt for all funds, and disburse the same upon the order of the Executive Committee.

Sec. 5. *Librarian*—shall have charge of the Library of the Association under the direction of the Executive Committee.

Sec. 6. *Executive Committee*—shall have charge of the general affairs of the association in the intervals of the meetings of the association; shall organize local associations; fill all vacancies; arrange the program for the annual meeting of the association; make any by-laws necessary; and do whatsoever is requisite to carry out the objects of the association.

#### ARTICLE 6—MEETINGS

Section 1. *Association*—shall meet annually in Monrovia on the first Wednesday in January at an hour to be fixed by the Executive Committee, and shall sit for such number of days as the program arranged by the Executive Committee may require; provided, however, that such number of days shall not exceed three.

Sec. 2. *Program of Annual Meeting*—At each annual meeting there shall be delivered an Address on a legal or *quasi-legal* subject, to be followed by a general discussion; there shall be read a Paper on some legal subject, to be followed by a general discussion; there shall be read Excerpts from at least two law periodicals to be subscribed for by the association, which shall be followed by a general discussion; and there shall be an Annual Dinner, the toasts thereat to be of a legal and patriotic character. But any of these features may be omitted, if no provision can be made therefor.

Sec. 3. *Expenses of Annual Meeting*—The expenses of the Annual Meeting shall be fixed by the Executive Committee, and each member shall pay his proportionate part, provided said total expenses do not exceed one hundred dollars (\$100).

Sec. 4. *Executive Committee*—shall meet quarterly in Monrovia on the second Tuesday of March, June, September and December, and may adjourn from time to time.

#### ARTICLE 7—QUORUM

At any regular meeting seven members shall constitute a quorum.

#### ARTICLE 8—PROXIES

Proxies may be given by any member of the Executive Committee to any member of the association not a member of said committee.

#### ARTICLE 9—MAIN OFFICE AND LIBRARY

The main office and library of the association shall be in Monrovia at such place as the Executive Committee shall designate.

#### ARTICLE 10—AMENDMENTS

This constitution may be amended at any annual meeting, or any adjourned meeting thereof, by a two-thirds vote of all the members present, provided that a copy of the proposed amendment be filed with the Secretary at least three months in advance of the annual meeting.

CERTIFICATE TO CONSTITUTION  
OF  
LIBERIAN NATIONAL BAR ASSOCIATION

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*This is to certify:* That annexed hereto is the Constitution of the Bar Association, which was unanimously adopted at a meeting held in the Court Room of the Court of Quarter Sessions for Montserrado County, on the 18th day of December, A. D. 1906, Hon. A. J. Matthews, presiding, the following lawyers being present, namely: Hons. Arthur Barclay, J. A. Tolliver, A. B. Stevens, R. A. Wright, E. M. Cummings, S. A. Ross, A. J. Woods, F. E. R. Johnson, T. W. Haynes, T. McCants Stewart, Messrs. C. D. B. King, C. B. Dunbar, G. W. Ellis, P. O. Gray, L. A. Grimes, E. J. Barclay, N. H. Gibson, and D. A. Snorton.

Whereupon the Association proceeded to and did elect its officers, as will more fully appear from the minutes of said meeting.

P. O. GRAY,  
Secretary *pro tem.*

December 18th, 1906.

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